

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KEVIN HELDE, *et al.*,

Plaintiffs,

v.

KNIGHT TRANSPORTATION, INC.

Defendant.

No. C12-0904RSL

ORDER DENYING PLAINTIFFS'  
MOTION FOR RECONSIDERATION

This matter comes before the Court on “Plaintiffs’ Motion for Reconsideration of Order Granting in Part Defendant’s Motion for Summary Judgment.” Dkt. # 96. On October 9, 2013, the Court dismissed plaintiffs’ overtime claims on the grounds that truck drivers in Washington may be paid on a flat per mile basis, regardless of the number of hours worked in a week, as long as the amount paid per mile is reasonably calculated to include compensation for both straight time and time-and-a-half and that the Department of Labor and Industries (“DLI”) has been willing to accept the hourly rate trucking companies pay their local or short-haul drivers as the “base rate of pay” for purposes of evaluating the reasonable equivalence of the per mile compensation system.

Motions for reconsideration are disfavored in this district and will be granted only upon a “showing of manifest error in the prior ruling” or “new facts or legal authority which could not have been brought to [the Court’s] attention earlier with reasonable diligence.” Local

ORDER GRANTING IN PART DEFENDANT’S  
MOTION FOR SUMMARY JUDGMENT

1 Civil Rule 7(h)(1). Plaintiffs offer no new evidence or argument on this issue, simply reiterating  
2 their position that defendant's equivalence analysis does not comply with state law and that DLI  
3 erred when it approved it. While the Court is not entirely convinced of the soundness of DLI's  
4 policy choice, following the agency's lead is not manifest error. Plaintiffs have not met their  
5 burden.

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7 For all of the foregoing reasons, plaintiff's motion for reconsideration (Dkt. # 96)  
8 is DENIED.

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10 Dated this 18th day of November, 2013.

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12 Robert S. Lasnik

13 United States District Judge  
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